

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHERYL BESSER, individually and
on behalf of all others similarly
situated,

Plaintiff,

Case No.: 2:13-cv-11564

Honorable Bernard A. Friedman

v.

TCF NATIONAL BANK,

Defendant.

STIPULATION OF DISMISSAL AND PROPOSED ORDER

Plaintiff Cheryl Besser (“Plaintiff”) and Defendant TCF National Bank (“Defendant”), by and through their undersigned counsel and pursuant to Fed. R. Civ. P. 41(a)(1)(A) and Fed. R. Civ. P. 23(e), hereby stipulate to the dismissal of this action, with prejudice as to Plaintiff’s individual claims, and without prejudice as to the claims of any alleged class members. No motion for class certification has been filed and no class has been certified in this action. Accordingly, class notice and Court approval of the settlement are not required under Fed R. Civ. P. 23(e).

In accordance with the terms of their Confidential Settlement Agreement and Release dated as of September 20, 2013, the parties request that the Court

enter the attached Order dismissing with prejudice Plaintiff Cheryl Besser's individual claims and dismissing without prejudice the claims of any alleged class members, and retaining jurisdiction to interpret and enforce the terms of the Confidential Settlement Agreement and Release entered into by the parties.

STIPULATED:

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By: /s/ Sunshine R. Fellows

By: /s/ Norman C. Ankers

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Attorneys for Plaintiff

Attorneys for Defendant

Dated: September 25, 2013

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel or parties of record electronically by CM/ECF.

/s/ Sunshine R. Fellows
Sunshine R. Fellows